



Judicial Council of California . Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: February 26, 2010

Title

Access to Visitation Grant Program: Funding
Allocation for Fiscal Year 2010–2011

Agenda Item Type

Action Required

Effective Date

April 1, 2010

Rules, Forms, Standards, or Statutes Affected
None

Date of Report

February 9, 2010

Recommended by

Family and Juvenile Law Advisory
Committee

Hon. Jerilyn L. Borack, Cochair, Family and
Juvenile Law Advisory Committee

Hon. Susan D. Huguenor, Cochair, Family
and Juvenile Law Advisory Committee

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Executive Summary

Subject to the availability of federal funding, the Family and Juvenile Law Advisory Committee recommends the allocation and distribution of approximately \$770,000 statewide for the fiscal year 2010–2011 Access to Visitation Grant Program. The funding would be directed to 12 superior courts representing 22 counties and involving 24 subcontractor agencies (i.e., local community nonprofit service providers) to support and facilitate noncustodial parents' access to and visitation with their children through supervised visitation and exchange services, parent education, and group counseling services. Family Code section 3204(b)(2) requires the Judicial Council to determine the final number and amount of grants to be awarded to the superior courts.¹

¹ See Attachment A: Superior Courts and Grant Award Amounts for Fiscal Year 2010–2011.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective April 1, 2010:

1. Approve the funding allocation and distribution of approximately \$770,000 statewide for fiscal year 2010–2011 to the superior courts set forth in Attachment A; and
2. Delegate authority to the Judicial Council’s Executive and Planning Committee to redistribute grant funds to the next highest ranked court if any superior court declines its grant funding allocation.²

Previous Council Action

Family Code section 3204(a) requires the Judicial Council to annually apply for federal Child Access and Visitation Grant funding from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement, under section 669B of the 1996 Federal Personal Responsibility and Work Opportunity Recovery Act (PRWORA). The federal Child Access and Visitation Grant is a formula grant program. Funding allocations to states are based on the numbers of states’ single-parent households.³ California receives the maximum amount of eligible funds (approximately \$943,000), which represents less than 10 percent of the total national funding. The Judicial Council is required to approve as many requests for funding proposals as possible while ensuring that each approved proposal will provide beneficial services and satisfy the overall goals of the program.⁴

At its meeting on March 12, 2009, the Judicial Council approved the fiscal year 2009–2010 funding allocation and distribution of approximately \$772,000 statewide to 13 superior courts for Access to Visitation continuation programs. The funding period for fiscal year 2009–2010 began on April 1, 2009, and ends on March 31, 2010. The federal funding allocation to the state of California for fiscal year 2009–2010 was \$942,497, and this same federal allocation amount is anticipated for fiscal year 2010–2011.⁵ The funding cycle for fiscal year 2010–2011 will begin on April 1, 2010, and end on March 31, 2011.

² The federal Child and Access and Visitation Grant is not a rollover grant, and, thus, any unspent funds will revert to the federal government. It is anticipated that each applicant court will receive a midyear reallocation questionnaire at the six-month funding period to evaluate the needs of the courts and subcontractors to determine whether courts will use their full grant award allocations.

³ The statistical data used to determine the formulaic distribution of funding (i.e., number of single-parent households) to the states is based on U.S. Census data.

⁴ Fam. Code, § 3204(b)(2).

⁵ The difference between the federal funding allocation of \$942,497 and the \$772,000 allocated to the courts represents the amount of funds used to provide the funded courts with various statewide services, including technical assistance, education and training, evaluative site visits, and assistance in required program data collection. Funds have been allocated for these statewide services since inception of the grant program in 1997.

Rationale for Recommendation

The federal funding for this program is extremely limited, and no increase is expected in the foreseeable future. The need for access to visitation services is high. The existing funding levels cannot meet the current demand for services. Inevitably, as a result, some meritorious programs that apply for funding will not be funded. This challenge underscores the need to reassess issues related to the selection and review criteria, the reviewer committee, and the general request-for-proposals grant application process. Therefore, Administrative Office of the Courts (AOC) staff will work with the Family and Juvenile Law Advisory Committee to establish a review process to reassess these issues.

For fiscal years 2003–2004 through 2009–2010, the Family and Juvenile Law Advisory Committee recommended that the Access to Visitation Grant request-for-proposals (RFP) process be open only to programs that were already receiving grant funds (i.e., continuation programs). The rationale for this approach was to provide courts adequate time to successfully implement model programs, build program continuity, and develop sustainability planning. The assumption was that eventually federal funding would increase and additional courts could be funded.

In September 2009, AOC staff asked the advisory committee whether eligibility to participate in the current RFP should be open to all courts or open only to continuation programs. The advisory committee recommended that, because federal funding has not been forthcoming and is limited, the fiscal year 2010–2011 RFP should allow any court to apply for these beneficial resources. As a result, several courts not funded the past six years (Alameda, Contra Costa, and Solano Superior Counties) will now receive funding. However, one superior court (Superior Court of San Francisco County) that previously has been funded will be defunded.

AOC staff also asked the advisory committee whether funding for fiscal year 2010–2011 should be limited to one year or whether multiyear funding should continue. Access to Visitation Grant funding in the past (i.e., fiscal years 2003–2004 to 2008–2009) has been multiyear funding. The advisory committee considered the issue and agreed to limit funding to one year as the grant program is currently undergoing a strategic planning process that may result in programmatic changes. In addition, the one-year funding cycle will allow staff and the advisory committee to reevaluate how to assist the courts by increasing the number of viable court applicants. This issue will be revisited by the advisory committee and staff upon completion of the strategic planning process to determine whether a return to multiyear funding is appropriate. The advisory committee will also review, and AOC staff will work directly with the committee on, all other proposed recommendations and findings from the Access to Visitation Grant Program strategic planning process.⁶

⁶ The Administrative Office of the Courts recognizes the need to draw upon the subject-matter expertise and practical experiences of those most closely involved with child custody and visitation issues. In April 2009, an interdisciplinary consultative group with subject-matter expertise was invited to assist the project team in identifying key strategic priorities and to comment on proposed recommendations

RFP Grant Application for Fiscal Year 2010–2011

On October 8, 2009, the AOC Center for Families, Children & the Courts (CFCC) released an open, competitive request-for-proposals (RFP) grant application for funding to provide Access to Visitation grant-related services in fiscal year 2010–2011: supervised visitation and exchange services, parent education, and group counseling services for child custody and visitation family law cases. In September 2009, AOC staff released a preliminary announcement by e-mail correspondence to statewide family court services directors, managers, and supervisors that an open RFP process would be forthcoming in October 2009. Based on past and current administration of Access to Visitation Grant Programs, the family court services directors and managers have been identified as the court program administrators for the programs.

Upon release of the RFP grant application on October 8, 2009, AOC staff posted it on both the California Courts and Serranus Web sites. AOC staff also posted the RFP grant application on the weekly *Court News Update* until the RFP deadline date, and a memorandum was sent to all presiding judges, court executive officers, and family court services directors, inviting the courts to review and respond to the RFP grant application for fiscal year 2010–2011. The initial deadline for the RFP grant application was November 17, 2009; however, this deadline was extended to December 4, 2009, to allow courts additional time to complete their grant application proposals.

The CFCC received 18 grant applications from the superior courts, which represented 28 counties and involved 32 subcontractor agencies (i.e., local court community-based service providers that will provide the direct services to families). See Attachment B for a list of RFP applicant courts. Of the 18 proposals received, 6 courts have not received Access to Visitation funding in the past six years, and the remaining proposals were from courts that have received Access to Visitation funding (i.e., defunded programs and/or continuation programs). The total funding request from the RFP applicant courts was \$1,193,537.01, and the total available statewide funds are approximately \$770,000, so the total request for funding exceeds available funds by \$423,537.01. The anticipated federal funding allocation for the state of California for fiscal year 2010–2011 is approximately \$943,000.⁷

The 12 superior courts are recommended for funding at the amount requested, except:

- For any court that had unspent funds during the prior funding cycle, the proposed funding was reduced by the approximate amount of unspent funds;⁸ and
- One court had unusually high administrative costs that would have reduced the level of direct services to families, so its proposed funding was reduced.

that may be included in a strategic planning report. One member from the Family and Juvenile Law Advisory Committee serves on the consultative group.

⁷ See footnote 5.

⁸ The RFP grant application stated that “courts would receive a reduction in grant award funding for fiscal year 2010–2011 that is equal to the amount of any unspent funds.”

Grant award amounts

California's funding allocation formula, or funding cap, is based on county population size. The funding cap was adopted and approved by the Judicial Council in fiscal year 2003–2004 and is similar to the model used by the Judicial Council's Court Appointed Special Advocates (CASA) grant program. Currently, CASA grant funding is awarded through the Trial Court Trust Fund. The following are the maximum grant amounts for which courts may apply:

- \$45,000 for counties or collaboratives in which the population is less than 250,000;
- \$60,000 for counties or collaboratives in which the population is more than 250,000 but less than 1 million; and
- \$100,000 for counties or collaboratives in which the population exceeds 1 million.

Review and selection process

Family Code section 3204(b)(1) requires that the Judicial Council allocate funds through a request-for-proposal process that complies with all state and federal requirements for receiving Access to Visitation Grant funds. Family Code section 3204(b)(2) provides that the grant funds shall be awarded with the intent of approving as many requests for proposals as possible while ensuring that each approved proposal will provide beneficial services and satisfy the overall goals of the program. This Family Code section also specifies certain required selection criteria, as follows:

- Availability of services to a broad population of parties;
- Ability to expand existing services;
- Coordination with other community services;
- Hours of service delivery;
- Number of counties or regions participating;
- Overall cost-effectiveness; and
- Promotion and encouragement of healthy parent-and-child relationships between non-custodial parents and their children, while ensuring the health, safety, and welfare of the children.

To ensure a fair and unbiased selection process, the council's Family and Juvenile Law Advisory Committee approved the establishment of a selection review committee (SRC). The role of the SRC was to read, review, evaluate, and score the grant application proposals; generate an average score, rank, and recommendation for each proposal; and submit its funding recommendations to the Family and Juvenile Law Advisory Committee for review and approval and for submission to the Judicial Council for final determination.

SRC reviewers were experts representing members of the advisory committee, professional subject-matter experts from CFCC, and several community-based service providers with supervised visitation and domestic violence expertise. All SRC reviewers participated in an orientation teleconference that was designed to:

- Provide reviewers with an overview of the review and selection process;

- Discuss the role and responsibility of SRC reviewers;
- Review the application reviewer rating sheet and evaluation criteria; and
- Address specific questions before review of the grant application proposals.

Additionally, SRC reviewers did not read or score grant application proposals from their own respective courts or counties. SRC reviewers were also required to sign a conflict of interest statement and excuse themselves from discussion or voting on proposals submitted by their court or county agencies or organizations.⁹ Furthermore, the Access to Visitation Grant Program manager and analyst did not score any grant application proposals.

Consistent with the directives of Family Code section 3204(b)(1) and (b)(2) and state and federal grant requirements, the funding recommendations will continue to support the goals of the grant program to have services available to a broad population of parents; represent statewide geographical diversity in service delivery; include programs encompassing regions or multiple counties; offer a range of services; and ensure overall cost-effectiveness.

A summary with specific details regarding the RFP grant review and selection process is attached to this report as Attachment C.

Comments, Alternatives Considered, and Policy Implications

The Judicial Council is required to annually apply for federal Child Access and Visitation Grant funds and allocate funding to the superior courts for this federal grant program. Since the advent of this program, available funding has always been insufficient to meet the needs of courts and of parents struggling with access to visitation issues. Each funding cycle, the Judicial Council receives requests for funds that far exceed the amount available to award. Since the inception of the program in 1997, federal funding has remained stagnant.

Given the funding limitations and the inability to satisfy the statewide demand for access to visitation services, a number of funding options are available and have been tried in the past.

1. Provide funding to all applicant courts. The drawback to this approach is that no court received the full amount requested. Prior experience with this approach resulted in funding so limited that it did not cover basic operational costs of a viable program. Many of the programs funded under this approach closed before the end of the funding cycle.
2. Provide continuation funding only to courts that had existing programs. The positive benefit of this approach was the creation of stable programs in the selected courts. However, this

⁹ To avoid the perception of a conflict of interest and to ensure an unbiased review of the grant application proposals, each SRC reviewer was asked to certify through the *Confidentiality and Conflict of Interest Form* that as an SRC reviewer he or she did not participate as a recipient official who personally assisted in developing, drafting, or reviewing any grant proposal submitted.

alternative limits the ability of any court that did not have an existing program to develop one.

3. Provide an opportunity for any court to apply for funding and have a selection review process that ranks the applicant courts and provides awards to those courts.

The committee decided, even with the existing funding constraints, to once again open the application process to any court to provide an opportunity for all courts to compete for the limited funds available.

The federal funding for this program is extremely limited, and no increase is expected in the foreseeable future. The existing funding levels cannot meet the current demand for services. Inevitably, as a result, some meritorious programs that apply for funding will not be funded. This challenge underscores the need to reassess issues related to the selection and review criteria, the reviewer committee, and the general request-for-proposals grant application process. Therefore, Administrative Office of the Courts (AOC) staff will work with the Family and Juvenile Law Advisory Committee to establish a review process to reassess these issues. The grant application proposal is not required to be circulated for public comment.

Implementation Requirements, Costs, and Operational Impacts

Historically there has been and is currently a 20 percent non-federal match required by the courts. This requirement has been fulfilled by an in-kind match that covers the courts' implementation costs such as procuring a service provider, processing and submitting program invoices, and data collection.

The AOC will execute contract agreements with the designated administering courts. The courts will then execute a memorandum of understanding (MOU) with their local service providers. Each applicant court and local service provider receiving funding is required to comply with all federal and state grant funding requirements. Additionally, grant recipients must comply with all fiscal and administrative requirements as well as grant terms and conditions set forth by the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement.

Attachments

1. Attachment A: Superior Courts and Grant Award Amounts for Fiscal Year 2010–2011
2. Attachment B: RFP Grant Applicant Courts for Fiscal Year 2010–2011
3. Attachment C: Summary of RFP Grant Review and Selection Process for Fiscal Year 2010–2011
4. Attachment D: Fam. Code, § 3204

ATTACHMENT A

**Judicial Council of California
Administrative Office of the Courts
Center for Families, Children & the Courts**

**Access to Visitation Grant Program: Superior Courts and Grant Award Amounts for
Fiscal Year 2010–2011**

Superior Courts of California	Proposed Grant Funding Allocation
Superior Court of Los Angeles County	\$ 98,000
Superior Court of Orange County	100,000
Superior Court of Contra Costa County	100,000
Superior Court of Shasta County	60,000
Superior Court of Butte County	60,000
Superior Court of Fresno County	49,000
Superior Court of Tulare County	60,000
Superior Court of Mendocino County	45,000
Superior Court of Yuba County	37,500
Superior Court of Napa County	60,000
Superior Court of Santa Clara County	52,300
Superior Court of Sonoma County	48,200
Total	\$770,000

**Judicial Council of California
Administrative Office of the Courts
Center for Families, Children & the Courts**

Access to Visitation Grant Program: RFP Grant Applicant Courts for Fiscal Year 2010–2011

	Applicant Court	Counties Served	No. of Counties	No. of Subcontracting Agencies	Regional Area	Supervised Visitation	Supervised Exchange	Parent Education	Group Counseling	Ranking by Score	Final Grant Award Allocation*
1	Los Angeles	Los Angeles	1	4	SO	X	X			159	\$ 98,000
2	Orange	Orange	1	2	SO	X	X			155	100,000
3	Contra Costa	Alameda and Contra Costa	2	2	BA	X	X	X	X	148	100,000
4	Shasta	Shasta, Trinity, and Tehama	3	4	NO	X	X	X	X	148	60,000
5	Butte	Butte, Glenn, and Plumas	3	1	NO	X				144	60,000
6	Fresno	Fresno	1	1	NO	X	X			143	49,000
7	Tulare	Tulare and Kings	2	1	NO	X				143	60,000
8	Mendocino	Mendocino and Del Norte	2	2	BA	X		X		142	45,000
9	Yuba	Yuba and Sutter	2	1	NO	X				140	37,500
10	Napa	Napa and Solano	2	2	BA	X	X			138	60,000
11	Santa Clara	Santa Clara and San Mateo	2	2	BA	X				137	52,300
12	Sonoma	Sonoma	1	2	BA	X	X	X		136	48,200
13	San Francisco	San Francisco	1	1	BA	X	X			132	
14	Lassen	Lassen	1	1	NO	X	X			123	
15	Sacramento	Sacramento	1	3	NO	X	X			115	
16	El Dorado	El Dorado	1	1	NO	X	X			102	
17	Monterey	Monterey	1	1	BA	X				99	
18	San Joaquin	San Joaquin	1	1	NO					77	
	18	28	28	32							\$770,000

* The \$770,000 total reflects the approximate of available grant funds for statewide allocation in fiscal year 2010–2011.

ATTACHMENT B

**Judicial Council of California
Administrative Office of the Courts
Center for Families, Children & the Courts
ACCESS TO VISITATION GRANT PROGRAM**

Summary of RFP Grant Review and Selection Process for Fiscal Year 2010–2011

The Judicial Council’s Family and Juvenile Law Advisory Committee approved the establishment of a selection review committee (SRC) for the Access to Visitation Grant Program request-for-proposals (RFP) grant application process for fiscal year 2010–2011. The role of the SRC reviewers was to read, score, and make proposed funding allocation recommendations to the Judicial Council’s Family and Juvenile Law Advisory Committee, which would subsequently make recommendations to the Judicial Council’s Executive and Planning Committee. The Judicial Council makes final decisions regarding the amounts and number of grant awards.¹

The RFP grant application selection criteria were based on evaluation criteria set forth in Family Code section 3204(b)(1) and (b)(2)(A)–(G), state and federal grant requirements, and compliance with standard 5.20 of the California Standards of Judicial Administration (Uniform Standards of Practice for Providers of Supervised Visitation). The RFP grant application and review and selection process also sought to ensure that grant funds be awarded with the intent of approving as many requests for proposals as possible while ensuring that each approved proposal would provide beneficial services and satisfy the overall goals of the program.

Administrative Office of the Courts (AOC) staff developed the request-for-proposal grant application based on the evaluation criteria set forth in Family Code section 3204(b)(1) and (2) and state and federal grant reporting requirements. The RFP grant application was posted on both the California Courts and Serranus Web sites. The initial deadline for the RFP grant application was November 17, 2009; however, this deadline was extended to December 4, 2009, to allow courts additional time to complete their grant application proposals. AOC staff also conducted two applicants’ workshops (October 16 and 23, 2009) to assist the courts with the grant application process.

SRC reviewers were experts representing members of the advisory committee, professional subject-matter experts from the Center for Families, Children & the Courts (CFCC), and several community-based service providers with supervised visitation and domestic violence expertise. To assist SRC reviewers with the grant application review process, AOC staff conducted an SRC orientation teleconference prior to the review of any grant application proposals.

At least three SRC reviewers read and evaluated each grant application proposal. The nine SRC reviewers were divided into three separate assigned groups based on the funding allocation cap

¹ Fam. Code, § 3204(b)(2).

(i.e., grant proposals that requested \$45,000, \$60,000, and \$100,000 funding). **SRC reviewers did not read or score any grant application proposals from their own courts or counties.** SRC reviewers were also required to sign a conflict of interest statement and excuse themselves from discussion or voting on any proposal submitted by their courts or county agencies. Furthermore, the Access to Visitation Grant Program manager and program analyst did not score any grant application proposals.

Each reviewer had to read, evaluate, and score 5 to 8 grant application proposals. SRC reviewers were responsible for completing (prior to the December 18, 2009, SRC meeting at the AOC) a “draft” score on each proposal. These initial draft scores were to be used as a starting point when reviewers convened on December 18, 2009. The primary purpose of the in-person SRC meeting was for individual groups to come together in their assigned subgroups to discuss and generate a “group consensus score” for each grant application proposal. For each proposal, each group was responsible for creating *one final application reviewer rating sheet* that detailed the group’s consensus score. In the afternoon, all SRC reviewers convened to review, discuss, and make final grant funding recommendations.

The SRC used a three-tier screening system. All grant application proposals were evaluated and scored comparatively according to a system of points. Each criterion that was included in the RFP proposal narrative section had a maximum point value. SRC reviewers used both a reviewer rating sheet, with clear, quantifiable measures for evaluation and scoring of the proposals, and a rating scale to tabulate the applicant’s response to each question. The grant application proposals were ranked strictly by their scores. This meant that each court’s application score equals its rank. The RFP grant application proposals were evaluated and scored on a scale of 0–160 points based on the following criteria:

- Grant application program summary (15 points)
- Proposal narrative (total of 140 points)
 1. Program service delivery (65 points)
 2. Program implementation (40 points)
 3. Sustainability planning (15 points)
 4. Cultural competency (10 points)
 5. Budget (10 points)
- Possible bonus points (5 points) for multicourt or multiagency collaborations²

Additionally, the RFP grant application explained that the SRC would score each proposal based on its overall quality and its responsiveness to each question and would consider the following values and principles in scoring each proposal:

- Evidence of strong court and community support and collaboration;
- Innovative service delivery;
- Efficient use of funds (that is, funds spent on direct services versus administrative costs); and

² *Multicourt collaboration* refers to a lead applicant court in collaboration with multiple county courts as partners. *Multiagency collaboration* refers to a single applicant court in collaboration with several (at least two or more) local service providers as the court’s subcontractors.

- Overall cost-effectiveness.

While no points were awarded for these factors, grant funding decisions sought to ensure (1) diversity of geography, population, and court size and (2) selection of applicants with a history of sound fiscal management and program administration.

ATTACHMENT D

Judicial Council of California Administrative Office of the Courts Center for Families, Children & the Courts

Access to Visitation Grant Program

California Family Code Section 3204

3204. (a) The Judicial Council shall annually submit an application to the federal Administration for Children and Families, pursuant to Section 669B of the "1996 Federal Personal Responsibility and Work Opportunity Recovery Act" (PRWORA), for a grant to fund child custody and visitation programs pursuant to this chapter.

The Judicial Council shall be charged with the administration of the grant funds.

(b) (1) It is the intention of the Legislature that, effective October 1, 2000, the grant funds described in subdivision (a) shall be used to fund the following three types of programs: supervised visitation and exchange services, education about protecting children during family disruption, and group counseling for parents and children, as set forth in this chapter. Contracts shall follow a standard request for proposal procedure, that may include multiple year funding. Requests for proposals shall meet all state and federal requirements for receiving access and visitation grant funds.

(2) The grant funds shall be awarded with the intent of approving as many requests for proposals as possible while assuring that each approved proposal would provide beneficial services and satisfy the overall goals of the program under this chapter. The Judicial Council shall determine the final number and amount of grants. Requests for proposals shall be evaluated based on the following criteria:

- (A) Availability of services to a broad population of parties.
- (B) The ability to expand existing services.
- (C) Coordination with other community services.
- (D) The hours of service delivery.
- (E) The number of counties or regions participating.
- (F) Overall cost effectiveness.
- (G) The purpose of the program to promote and encourage healthy parent and child relationships between noncustodial parents and their children, while ensuring the health, safety, and welfare of the children.

(3) Special consideration for grant funds shall be given to proposals that coordinate supervised visitation and exchange services, education, and group counseling with existing court-based programs and services.

(c) The family law division of the superior court in each county shall approve sliding scale fees that are based on the ability to pay for all parties, including low-income families, participating in a supervised visitation and exchange, education, and group counseling programs under this chapter.

(d) The Judicial Council shall, on March 1, 2002, and on the first day of March of each subsequent year, report to the Legislature on the programs funded pursuant to this chapter and whether and to what extent those programs are achieving the goal of promoting and encouraging healthy parent and child relationships between noncustodial or joint custodial parents and their children while ensuring the health, safety, and welfare of children, and the other goals described in this chapter.